

**Summary of Recommendations from the Final Program Review
for
California Department of Public Health DDWEM
August 2010**

I. Primacy Agency Program Summary

A. Program Organizational Structure

Recommendations

1. Headquarters should facilitate development of tracking tools to help districts and minimize duplication of effort and promote consistency. For existing rules, many districts already developed such tools, so an evaluation could occur to identify the best ones to share with districts that don't have them.

B. Waiver Information

Recommendations

1. CDPH should continue its concerted effort to complete the new waiver program and submit it to EPA Region 9 for approval. Once approved, each district should weigh its systems against the criteria to ensure that all California systems are approved for waivers on a consistent basis.
2. The renewal program for vulnerability waivers should be based on research into new use or susceptibility information, as well as historical sampling.

C. State Assistance

Recommendations

1. The team encourages EPA Region 9 to continue to provide training and assistance as the state wrestles with filling vacancies and completes the shift to SSWR2.

D. State Data System

Recommendations

1. The team encourages CDPH to continue its efforts to implement SSWR2, to consolidate all data management, compliance tracking, and enforcement activity into one resource and reduce the steps required to oversee the program.
2. Until the program has concerted solely go SSWR2, violations generated in PICME should be compared to the information in SSWR2 to confirm that all violations are present and able to be submitted to EPA.
3. The team recommends that CDPH consider a review to determine the extent of the underreporting of violations by districts and LPAs, and the impact this has on managerial oversight and statewide trend analysis.
4. The team is concerned that having only one person input data into SSWR2 may prove a bottleneck and urges the state to reconsider this decision. *(Note that CDPH had disagreed with this statement. The final report noted the disagreement but the recommendation was not removed from the report.)*

E. Sample Collection, Analysis, and Laboratory Certification

Recommendations

1. To prompt labs to provide more timely analytical results, M/R violation should be given to systems with late data. Violations will prompt the customer PWS to demand better service from the lab.

II. Program Implementation

A. General Program

Recommendations

1. As partial primacy is not permitted for the drinking water program, priority should be given to obtaining primacy for all federal regulations .
2. As noted in the 2006 review, TNCWSs may not be waived from federal monitoring requirements through the “hand washing exemption.” All TNCWSs serving water to the public, whether it is for hand washing or consumption, must meet all monitoring requirements for this system type, including nitrate and nitrate monitoring and any surface water system requirements, where applicable.

B. Inventory

Recommendations

1. Populations must represent the busiest time of the year, although population may be adjusted to represent the number served at different intervals throughout the year. (See water supply guidance 66A).
2. Primacy requires annual updates for inventory and changes should be made as time allows within this framework.

C. Sanitary Survey

Recommendations

1. CDPH should assign violations to systems that do not have sanitary surveys at least every five years, as this is a primacy requirement. While the state has assumed the workload to conduct surveys, the regulatory responsibility still resides with the system to ensure that it is completed.

D. Consumer Confidence Report Rule

Recommendations

1. CCR violations should only have an annual duration. If systems fail to submit the report or certification for several years, the annual violation should be assigned.
2. Late or missing CCRs or certification should prompt an M/R violation, even if the report is received before the violation letter is mailed later in the year.

E. Total Coliform Rule

Recommendations

1. LPAs should be reminded that all systems must collect five samples in the month following a positive result, regardless of the burden on SWWS.
2. Systems that submit samples collected after the last day of the compliance period or received in the office after the 10th day of the following month must be assigned an M/R violation.
3. Within one month of a population change that affects the TCR monitoring frequency, systems must meet the new requirements or a violation should be assigned.

4. Data management should ensure that all violations flow to SDWIS/Fed from PICME or the database of record.

F. Phase II/V Rule

Recommendations

1. Federal regulations do not permit a “grace period” in the first quarter following a missed compliance sample for the first-time M/R violations. All missed samples should be assigned an M/R violation.
2. Systems must complete quarterly monitoring after a detection of VOCs and SOCs, if the value is greater than half the MCL for nitrate, or if an MCL is exceeded for IOCs, or an M/R violation must be assigned.
3. All systems should be reviewed for compliance and violations submitted within 45 days of the end of the compliance period.
4. Systems with population greater than 3,300 must collect two SOC samples within a 12-month period.
5. No system may collect nitrate samples less frequently than annually.
6. California should begin reporting to EPA all nitrate data in the form of nitrate-nitrogen, with violations reported that exceed the MCL of 10 mg/l.
7. Data management should ensure that all violations are reported to SDWIS/Fed.

G. Filter Backwash Recycle Rule

Recommendations

1. CDPH should ensure that all systems subject to the FBRR have completed the notification form and comply with the federal rule.

H. Stage 1 and Stage 2 Disinfectant and Disinfection By-Product Rules

Recommendations

1. The system sampling plans should be modified to ensure that distribution system chlorine residual samples are collected at the same time and place as the TCR samples. Any system that does not collect distribution system chlorine samples at the same time and place as the TCR sample should be assigned an M/R violation.
2. All TT violations should be assigned and reported.
3. All systems must calculate averages as required, regardless of the levels reported.
4. When annual and triennial TTHM and HAA5 samples are not collected between June and September, which is the state’s assigned monitoring period, an M/R violation should be assigned.
5. Extra-regulatory sampling conducted as part of investigations or a pilot study should be clearly marked and reported as special samples, so they will not be included in the compliance calculations.
6. Late samples should be assigned an M/R violation.
7. If a system’s operations shut down a WTP, the shutdown should be reported to the district so compliance is clear for TOC calculations.
8. Data management should ensure that all violations flow to SDWIS/Fed from PICME or the database of record.

I. Radionuclides Rule

Recommendations

1. All M/R violations should be tracked and reported to EPA.
2. Systems that submit late results should be assigned an M/R violation.
3. Districts should ensure that LPAs do not waive Ra228 sampling after two quarters without detection. This practice is permitted for Gross Alpha, but Gross Alpha may not be substituted for Ra228. Ra228 is a beta emitter.

J. Lead and Copper Rule

Recommendations

1. CDPH should ensure that systems calculate the 90th percentile value on the number of samples collected, not the number of samples required to be collected.
2. The state must ensure that systems collect from approved sample sites so sites with previous problems are still included in subsequent sample rounds.
3. All systems that sample outside the summer months of June through September should be assigned an M/R violation. California may want to establish an alternate four-month monitoring period for tap samples to accommodate schools. EPA R9 noted that October is a warm month in much of California, and appropriate for an alternate four-month monitoring period.
4. CDPH should ensure that systems are only returned to compliance from initial monitoring violations when a complete round of samples is collected for a qualified six-month monitoring period.
5. Systems that submit late results should be assigned a violation.
6. When population adjusts, the LCR monitoring schedule frequency should be checked to see if it's affected.
7. Data management should ensure that all violations flow to SDWIS/Fed from PICME or the database of record.

K. Surface Water Treatment Rules, Interim and Long Term 1 and 2 Enhanced Surface Water Treatment Rules.

Recommendations

1. M/R violations should be assigned for missing turbidity and chlorine residual sampling.
2. M/R violations should be assigned for late reports.
3. Unfiltered systems that are required to filter and uncovered finished water storage facilities that will be eliminated should be tracked closely to ensure treatment is added, as these requirements have been in place for years.

L. Public Notification

Recommendations

1. Tier 3 violations should be assigned and reported to EPA.